

**BOROUGH OF WESTWOOD
NOTICE**

NOTICE IS HEREBY GIVEN that the following Ordinance was introduced and passed on first reading on regular meeting of the Mayor and Council on the 4th day of May, 2010, and that said Ordinance will be taken up for further consideration for final passage at a regular meeting of the Mayor and Council to be held on the 18th day of May, 2010 at 8:00 p.m. or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning same.

Karen Hughes, Borough Clerk
Borough of Westwood

ORDINANCE NO. 10- 10

**AN ORDINANCE TO AMEND CHAPTER 65C-121 OF
THE BOROUGH CODE, SAID ORDINANCE BEING
ENTITLED “WIRELESS TELECOMMUNICATIONS,
TOWERS AND ANTENNAS”**

BE IT ORDAINED by the Mayor and Council of the Borough of Westwood that :

1. Section (F)(2)(b)(1) shall be amended by the addition of the following:
 - iv. The antenna and any equipment building do not cause or increase zoning nonconformity.
2. Section G shall be amended to substitute the term “conditional use pursuant to N.J.S.A. 40:55D-67” for the term “special use permit” where ever same appears.
3. Section G(2) shall be amended as follows:
 2. Towers, antennas, and ancillary structures.
4. Section G(2)(a) shall be amended to read as follows:
 - a. Information Required. In addition to any information required for applications for conditional use approval pursuant to Chapter 65C -45 of the Zoning Ordinance applications for a conditional use approval for a tower, antenna or appurtenant structure shall submit the following information:
 - i. A scaled plan clearly indicating the location, type and height of the proposed tower, antenna or appurtenant structures, on site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), zoning ordinance classification of the site and all properties within the applicable

separation distances set forth in Section G.2.e or within two (200') feet, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower, antenna and appurtenant structures, topography, parking and other information deemed by the Zoning Administrator to be necessary to assess compliance with this Ordinance.

ii. This section shall remain as written.

iii. The setback distance between the proposed tower, antenna and appurtenant structures and the nearest residential unit.

Sections iv through xi shall remain unchanged.

5. Section G(2)(c) shall be amended by the addition of the following new paragraph:

viii The applicant shall have made a formal bona fide inquiry as to the owners willingness to enter into a co-location agreement to the owner of record of each and every owner of existing towers within the Borough of Westwood. Such an inquiry must have been made within six (6) months of the applicant's application in writing addressed to the president or registered agent of a corporation, the managing member of a limited liability company or the owner of record as appearing on the tax records of the municipality for a individually owned site. As to municipal sites, any such inquiry shall be made via certified mail, return receipt requested, to the Borough Clerk. The inquiry shall state, in substance:

"The applicant seeks to install [describe nature of proposed antennas and/or towers] at [describe location] however, as you [the addressee] are the owner/operator of an existing site we are hereby soliciting from you a statement of interest or non-interest in accommodating our antennas at your location."

In addition, the applicant shall furnish a copy of any written reply received from such an owner/operator or shall certify that no written response was received. If the response received was oral the applicant shall certify the person from whom received and the substance of the reply.

6. Section H(1)(a) shall be amended to read as follows:

The cabinet or structure shall not be located on the roof unless it is less than fifty (50) square feet of gross floor area and less than six (6) feet

in height and the height of the building including any such structure is within the lawful building height limitations of the Borough of Westwood.

7. Section J(1) shall be eliminated in its entirety.

Except as provided for herein, all other provisions of this Ordinance shall remain in full force and effect.

If any section, subsection, part, clause or phrase of this Ordinance shall be declared invalid by judgment of any court of competent jurisdiction, such section, subsection, part, clause or phrase shall be deemed to be severable from the remainder of this Ordinance.

This Ordinance shall take effect immediately upon final passage and publication as required by law.

Adopted: _____

Approved:

Attest:

John Birkner, Jr., Mayor

Karen Hughes, Borough Clerk